

**City of Selah
Council Minutes
July 13, 2004**

Regular Meeting
Selah Council Chambers
115 West Naches Avenue
Selah, WA 98942

A. Call to Order Mayor Pro Tem Allen Schmid called the meeting to order at 4:00 p.m.

B. Roll Call

Members Present: Brian Harris, Jerry Kobes, Keith Larson, Pete McNew, Herb Schmidt, Scott Smeback

Members Excused:

Staff Present: Frank Sweet, City Supervisor; Bob Noe, City Attorney; Ricardo Gutierrez, Police Chief; Jerry Davis, Fire Chief; Joe Henne, Public Works Director; Jeff Hagler, Parks & Recreation Director; Dennis Davison, Community Planner; John Gawlik, Building and Code Enforcement Officer;

C. Pledge of Allegiance

Councilman Kobes led the Pledge of Allegiance. Pastor Lowell Welker led the group in prayer.

D. Agenda Changes

E. Public Appearances

F. Getting To Know Our Businesses

1. Yakama Juice

Matt Duffy and Pat Kelly from Yakama Juice - Matt Duffy CEO of Yakama Juice addressed the Council, thanking all who have been so gracious in welcoming Yakama Juice to the City of Selah. He noted they are currently refurbishing the plant and have already hired 30 people back. He stated they plan on hiring an additional 100. He stated plans are underway for a grand opening barbeque August 20, 2004.

Mayor Pro Tem Schmid welcomed the officers of Yakama Fruit on behalf of the City, the Council and the community.

G. Communications

1. Oral

Parks & Recreation Director Jeff Hagler stated a group of people interested in skateboarding had a meeting last week and organized a skateboarders committee, elected officers, and began developing a plan.

Tom Smith, 6910 Columbus Street Yakima, introduced himself to the Council as President of new Skateboard Association and Youth Pastor of the Christian Church in Selah. He stated he has been actively mentoring and pastoring skateboarders and hopes that organizing a group will allow them to become part of the solution for the City. He referred to a diagram sketch of the skateboard park and proposed that it be built in an area behind the Teen Center adjacent to Peace Lutheran Church. He stated the proposed size as 45 x 110 feet. He said his group wants to help City to determine a site.

Councilman Schmidt asked if the site was chosen because of its location or because it is the size needed for park.

Michael Southards Youth President introduced himself to the Council. He stated his group has secured 150 signatures, 100 adults and 50 kids. He stated the group plans to print and distribute flyers and will have fundraisers. Their meetings will be every Tuesday at the Teen Center at 4:00pm if there is no Council meeting. If there is a Council meeting, it will be held at 5:30. He emphasized the need for a place for kids to skate

Mayor Pro Tem Schmid asked if this club is organizing under Parks & Rec. He asked if gates would be locked if the Teen Center is vacant. He asked if it could be supervised from the location of the Teen Center. Mr. Hagler responded that the skatepark would be accessible if the Teen Center was closed, but it could be supervised from the Teen Center when it's open.

Councilman Harris asked if the group agrees to police the skating facility and if the group has talked to the School District, since it owns that property.

Parks & Rec Director Hagler responded they have agreed to police the facility but have not contacted the School District because they are waiting to learn more about the proposed Aquatic Center and its location.

Joseph Williams addressed the Council identifying himself as student Vice President of the group. He stated his support for the group's activities and goals.

Councilman Smeback congratulated the group and its efforts.

Michael Southards asked if it would be legal to set up a table in front of a business to get additional signers for their petition. It was suggested that he contact the business owner for permission.

Mike Williams, father of Joseph Williams, stated he thinks kids should have responsibility and work hard for this. He noted the parents will support, but not just take over all responsibility.

Mayor Pro Tem Schmid thanked Jeff Hagler, Mike Williams and Tom Smith for their help in getting this started, noting he thinks it's great and looks forward to working with the group. He called for additional items under Oral Communications.

Chaz Hanna addressed the Council stating Naches Avenue between Wenas looks like a dump and is a fire hazard. He stated he would like to see new businesses come in, noting owners take care of their property but others have weeds grown up.

City Supervisor Frank Sweet said he appreciated the picture, noting one house that needs to be cleaned up is 222 East Naches is the property of an out-of-town owner who has agreed to clean it up. He stated the others are not to a "nuisance" state as of yet.

Mr. Hanna cited several examples from Selah Municipal Code relative to nuisance, fire hazard, etc. He asked if there is animosity toward him which is preventing the clean up.

The Mayor Pro Tem stated he is unaware of animosity toward the Hannas. He stated his assumption that the City is following the new Ordinance and taking the steps that need to be taken to comply. He noted he and the Council cannot address the issue or timelines in this meeting.

Mr. Hanna described himself as "distraught" because no one wants to buy his property. He accused the Code Enforcement Officer of doing little to help him.

Mayor Pro Tem Schmid stated he will follow up on this issue.

2. Written

a. Letter from Charter Communications

City Supervisor Frank Sweet noted Charter is offering some new options to its customers.

H. Proclamations/Announcements

I. Consent Agenda

Councilman Schmidt asked to include Resolution M-3 as part of the Consent Agenda. Without object that item was included.

Councilman Harris noted a correction to the Minutes regarding Claims and Payroll that had not been approved at the June 22, 2004 meeting.

All items listed with an asterisk (*) were considered as part of the Consent Agenda.

- * 1. Approval of Minutes: June 22, 2004 (as corrected)
- * 2. Approval of Claims & Payroll – Claims check nos. 43257 – 43348 for a total of \$102,217.01, Claims check nos. 43349 - 43351 for a total of \$580.00, Claims check nos. 43352 - 43480 for a total of \$184,670.41, Payroll check nos. 53780 – 53885 for a total of \$106,622.32 and Payroll check nos. 53886 - 53993 for a total of \$138,701.64.

Mayor Pro Tem Schmid read the Consent Agenda as amended.

Councilman Schmidt and Councilman Kobes seconded to approve the Consent Agenda as amended. By voice vote, the motion passed unanimously.

J. Public Hearings

1. Public Hearing To Consider Ordinance of the City of Selah Repealing Ordinance No. 1481; Adopting by Reference the 2003 Editions of the International Building Code, International Residential Code, International Energy Conservation Code, International Mechanical Code, International Existing Building Code, and International Fire Code as They now Exist or May Hereafter Be Amended and Making All Changes Necessary to its Existing Municipal Code To Effectuate the Adoption of the Foregoing International Codes

City Attorney Bob Noe stated adoption of the I-Code is required by WA law and the law also requires a Public Hearing.

The Mayor Pro Tem opened the public Hearing. Seeing no one rise to speak for or against the adoption of the proposed Code, the Hearing was closed.

K. New Business

L. Old Business

M. Resolutions

- * 1. Resolution Authorizing the Mayor To Sign a Local Agency Standard Consultant Agreement for the Crusher Canyon Road Project
- 2. Resolution To Deny Preliminary Plat of "Charles Johnson Plat 4, Phases 3, 4, & 5 (912.60.04-3)

Community Planner Dennis Davison reviewed information in packet and reported the Hearing Examiner recommended denial of the Johnson plat primarily because the property lies above 1390-foot elevation. He invited questions.

Councilman Larson identified himself as having a possible conflict of interest. There was no objection to his participation.

The Mayor Pro Tem explained that this is a closed public hearing for action upon the recommendation of the Hearing Examiner. He noted if the Council upholds the Hearing Examiner's recommendation, the ruling of Council could be appealed to Superior Court.

Mr. Davison noted if the Council rejects the recommendation of the Hearing Examiner, it could have its own Public Hearing and start all over.

Councilman Kobes stated he doesn't have concern about booster pumps, but doesn't think City can provide proper fire protection.

Councilman Larson asked how that is addressed with Goodlander Heights.

Public Works Director Joe Henne stated the hydrants there are lower so would have some fire pressure.

Councilman Keith Larson stated it is important to treat everybody equally. He asked Dennis Davison to discuss Orchard View Plat, which will not be covered by the new reservoir.

Councilman Harris asked if the new reservoir would serve Mr. Johnson's plat and whether he would pay for a booster pump until then.

Mayor Pro Tem Schmid stated originally the Council thought the new reservoir would be finished by now because we've been working on this since 1983.

Councilman Larson expressed his agreement that booster pumps are bad and asked what the thinking was to allow booster pumps at Heritage Hills.

City Supervisor Sweet noted the Council has had lots of time to learn from our mistakes.

Councilman Kobes stated the decision goes back 30 years and seemed best at that time.

Public Works Director Henne said the City had a different administrator then and also did not have a Comprehensive Water Plan as it does now.

City Supervisor Sweet reminded the Council the City did not have a Comp Plan at that time Heritage Hills was approved. He stated sometimes things change for the better, noting it would be difficult to overturn the Hearing Examiner when his ruling is in line with the Plan adopted by the Council.

Councilman Harris asked if the Heritage Hills booster pump will be obsolete when new reservoir is completed, and noted Goodlander will be the only area still requiring booster pumps.

Councilman Kobes stated he doesn't think elevation is the issue, it is fire protection.

Mayor Pro Tem Schmid pointed out the more booster pumps there are, the more it will cost.

Councilman Larson asked if the Heritage Hills pump is not being used to capacity, why this developer should be held up. He noted Frank Sweet made a good point about the Hearing Examiner decision.

City Supervisor Sweet stated no matter how we may want to change that decision, we chose to wait until the reservoir was completed; the plat was denied and the developer told to come back after the reservoir was completed.

Public Works Director Joe Henne cautioned against confusing Heritage Hills with Johnson's property. He stated that while Heritage Hill booster pumps might provide water to the Johnson property, they would be inadequate for fire protection.

Mayor Pro Tem Schmid pointed out that page 5 of the Hearing Examiner's report references "above 1390 feet." He asked if the Council would like to table.

Councilman Schmidt moved and Councilman Larson seconded to table consideration of this item to the next regularly scheduled Council meeting (July 27, 2004).

City Attorney Bob Noe reminded the Council that this item is a closed record, and no new evidence may be brought into consideration.

City Supervisor Sweet explained to the Council that means no new information can be considered, and in the interim Council Members should discuss the issue only with the City Attorney or City Supervisor. He stated he believes the item will be tainted and suggested it might be cleaner for the Council to overturn the Hearing Examiner's recommendation now, hold its own Public Hearing and take testimony, gathering information beyond what is in the Hearing Examiner's report.

Councilmen Schmidt and Larson withdrew the motion and second.

Councilman Smeback moved and Councilman Schmidt seconded to approve the Hearing Examiner's recommendation/ Resolution To Deny Preliminary Plat of Charles Johnson Plat 4 Phases 3, 4, and 5. Mr. Smeback stated he was part of Council that decided to restrict development above 1390 feet until new reservoir is completed.

Councilman Harris asked if the developer agreed not to develop until reservoir built. He was advised that at that time the developer had no choice.

Roll was called. Councilman Smeback – yes; Councilman Schmidt – yes; Councilman McNew – no; Councilman Larson – no; Councilman Kobes – yes; Councilman Harris – yes. Motion carried four to two.

- * 3. Resolution Authorizing the Mayor To Sign an Agreement with DM Disposal Company, Inc., Basin Disposal of Yakima, L.L.C. and the City of Selah for Collection and Disposal of Solid Waste

City Supervisor Sweet noted he will introduce parties to the solid waste contract when it has been adopted.

N. Ordinances

1. Ordinance of the City of Selah Repealing Ordinance No. 1481; Adopting by Reference the 2003 Editions of the International Building Code, International Residential Code, International Energy Conservation Code, International Mechanical Code, International Existing Building Code, and International Fire Code as They now Exist or May Hereafter Be Amended and Making all Changes Necessary to Its Existing Municipal Code To Effectuate the Adoption of the Foregoing International Codes

City Attorney Bob Noe asked for Council approval of this item.

Councilman McNew moved and Councilman Schmidt seconded to adopt the Ordinance of the City of Selah Repealing Ordinance No. 1481; Adopting by Reference the 2003 Editions of the International Building Code, International Residential Code, International Energy Conservation Code, International Mechanical Code, International Existing Building Code, and International Fire Code as They now Exist or May Hereafter Be Amended and Making all Changes Necessary to Its Existing Municipal Code To Effectuate the Adoption of the Foregoing International Codes. Roll was called. Councilman Smeback – yes; Councilman Schmidt – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion carried unanimously.

2. Ordinance Amending Selah Municipal Code Chapter 5.01 by Adding new Sections 5.01.085 And 5.01.087 Defining "Pit Bull Dog" and "Pit Bull Terrier"; Amending Selah Municipal Code Chapter 5.07, "Dangerous Dogs" and Renaming that Chapter to "Dangerous Dogs and Pit Bull Dogs"; Providing for Severability; and Establishing an Effective Date.

City Attorney Bob Noe reminded the Council that this item was introduced a couple of meetings ago. He stated the definitions came from Yakima's pit bull ordinance, which the Supreme Court upheld. He stated under the proposed Ordinance, existing pit bulls will be allowed to stay in the City provided their owners meet all requirements of the Ordinance. If a dog were identified as "dangerous" it would be subject to all requirements with exception of the "total enclosure."

Councilman Larson asked about the reference in Section 2 "American Bulldog." He was advised that breed is a specific type of pit bull, not to be confused with an English Bulldog.

Councilman Kobes moved and Councilman Schmidt seconded to adopt the Ordinance Amending Selah Municipal Code Chapter 5.01 by Adding new Sections 5.01.085 And 5.01.087 Defining "Pit Bull Dog" and "Pit Bull Terrier"; Amending Selah Municipal Code Chapter 5.07, "Dangerous Dogs" and Renaming that Chapter to "Dangerous Dogs and Pit Bull Dogs"; Providing for Severability; and Establishing an Effective Date. Roll was called. Councilman Smeback – yes; Councilman Schmidt – yes; Councilman McNew – yes; Councilman Larson – yes; Councilman Kobes – yes; Councilman Harris – yes. Motion carried unanimously.

O. Communications

1. Oral

P. Reports/Announcements

1. Mayor
2. Council Members
3. Boards
4. Departmental
 - a. Police Department Monthly Report – June 2004
 - b. Selah Municipal Court Report – June 2004
 - c. Fire Marshal Monthly Report – June 2004

Community Planner Dennis Davison reported more subdivisions will be coming before the Council soon, one of which has a booster pump.

City Supervisor Frank Sweet suggested the Council have a study session on booster pumps.

Public Works Director Joe Henne reported on July 2 at 7:30 the City lost power to wells 5 and 3 and later 5 went down again because of electrical storm and surge. He stated he ordered a new pump for Well #5, and it will probably run \$15,000.

Parks & Recreation Director Jeff Hagler thanked the Council for listening to skateboard group. The Mayor Pro Tem praised Mr. Hagler for his work with the group.

City Attorney Bob Noe reported the Public Safety Committee met came up with some changes to the Scooter Ordinance that he'll bring to Council at the next meeting.

Fire Chief Jerry Davis reported the 4th of July was busy with three fires - one on the LT Murray, another at the Kobes residence, and a white car seen leaving scene of fireworks for which a citizen provided a license plate number.

Councilman Larson commented it is great to see the skateboarding group get together. He noted he is glad to see booster pump issue come up and hopes Jerry Kobes will be there to help Council Members better understand the issue. He noted he thinks the Council made the right decision upholding the Hearing Examiner.

Councilman Harris praised Jeff Hagler's efforts and expressed his hope people will work hard to keep the City clean.

Councilman Herb Schmidt announced the Yakima Firing Center Change of Command ceremony will be held Wednesday morning. He suggested comparing our agendas with Yakima's and Union Gap's so that citizens can better understand what the Council will be discussing. He reported the Facilities Committee has met and reports have gone out to all departments hoping to get input by August 31.

Councilman Jerry Kobes commented the consensus among kids and parents regarding the skateboard park is excellent, noting Jeff does more than just his job. He stated it's a good idea to discuss booster pumps.

Q. Executive Session

R. Adjournment

Council Member Smeback moved and Council Member Schmidt seconded that the meeting be adjourned. By voice vote, the motion passed unanimously. The meeting adjourned at 5:41 p.m.

Allen Schmid, Mayor Pro Tem

Gerald Kobes, Council Member

Keith Larson, Council Member

Peter McNew, Council Member

Brian Harris, Council Member

Herb Schmidt, Council Member

Scott Smeback, Council Member

ATTEST:

Dale E. Novobielski, Clerk/Treasurer